

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION

Civ. No. B _____
(Super. Ct. No. C420153)

CHURCH OF SCIENTOLOGY OF CALIFORNIA
and MARY SUE HUBBARD,

Plaintiff-Petitioners,

-against-

GERALD ARMSTRONG

Defendant

CHURCH OF SCIENTOLOGY OF CALIFORNIA
and MARY SUE HUBBARD,

Petitioners

-against-

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNT OF LOS ANGELES,

Respondents.

BENT CORYDON, Real Party In Interest

Response From the Superior Court of California
County of Los Angeles
Judge Bruce R. Geernaert

RESPONSE OF GERALD ARMSTRONG TO OPPOSITION FILED BY
REAL PARTY IN INTEREST, BENT CORYDON

MICHAEL J. FLYNN
FLYNN & SHERIDAN
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BOSTON, MA 02210
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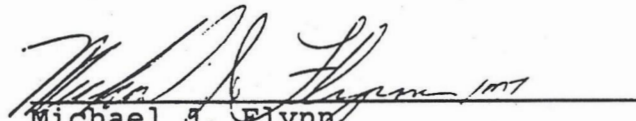
Counsel for Defendant

Respondent Gerald Armstrong has only recently become aware of the orders of Judge Bruce Geernaert unsealing portions of the file in the instant case and the petition for writ of Supersedaes subsequently filed by the Church of Scientology of California in the instant case. Although Mr. Armstrong was a party to the stipulation settling the case in the Superior Court and sealing the file, the moving party below did not serve Respondent Armstrong or his undersigned counsel of record with any pleadings regarding the application to unseal the file. Respondent Armstrong and his counsel therefore wish to make their position known to this Court.

1. Counsel Paul Morantz, has filed in this Court a "Response to Petition for Writ of Supersedaes" with attached memorandum of law and exhibits. The exhibits include confidential correspondence from Respondent Armstrong's attorney's office and an apparent copy of a confidential settlement entered into between one of Mr. Armstrong's attorney's clients and the Church of Scientology. We do not know precisely how Mr. Morantz obtained such documents but we believe that they were given to him by an attorney who had been consulted about the documents. This other attorney was never authorized to disclose or divulge the documents. See Affidavit of William Franks, attached as Exhibit 1. We request that these "exhibits" to the "opposition" be immediately sealed as they are confidential settlement documents not intended to be made public and not part of the file unsealed by Judge Geernaert.

2. Numerous materials in the Armstrong case filed were sealed at the behest of both parties as part of the settlement of the case. That sealing was an intricate part of the settlement, which settlement should not be undone.

By his attorney,

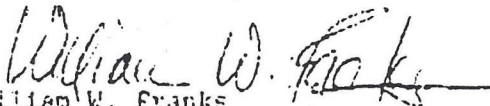

Michael S. Flynn
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DATE: December 27, 1988

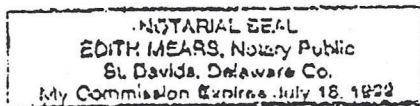
EXHIBIT 1

I, William Wagner Franks, swear under the pains and penalties of perjury, on or about mid-summer 1988, I sent to Atty. Van Sickle certain documents for the purpose of ascertaining the legal validity of certain provisions of those documents. These documents were regarding the settlement with C of S. At no time did I give permission to publicize or make public contents of the settlement documents.

Attested so true.


William W. Franks





CERTIFICATE OF SERVICE

I, Michael J. Flynn hereby certify that I have served a copy of the foregoing Response to Gerald Armstrong to Opposition Filed by Real Party in Interest, Bent Corydon by mailing same, postage prepaid, to

Mr. Kendrick Moxon and Mr. Timothy Bowles
6255 Sunset Boulevard
Suite 2000
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Mr. Eric Lieberman
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12/27/88
Date


Michael J. Flynn